

SC DOCKET SHEET**CASE NO. PC-2016-4120**

Gina Guiducci
v.
Brown University, Peter Rossi

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§
§

Location: **Providence/Bristol County
Superior Court**
Filed on: **08/31/2016**
US District Court Case Number: **1:16-CV-00516**

CASE INFORMATION

Statistical Closures
09/15/2016 Closed - Unassigned

Case Type: **Civil Rights/Job Discrimination**

Case Status: **09/15/2016 Closed**

DATE**CASE ASSIGNMENT****Current Case Assignment**

Case Number PC-2016-4120
Court Providence/Bristol County Superior Court
Date Assigned 08/31/2016





PARTY INFORMATION

Plaintiff **Guiducci, Gina M.**

Lead Attorneys
FORMISANO, V. EDWARD
Retained
4019449691(W)

Defendant **Brown University**
Rossi, Peter

DATE**EVENTS & ORDERS OF THE COURT**

09/15/2016 Closed Unassigned
09/15/2016 Case Removed to US District Court
09/14/2016  Notice
Notic eof Filing of Notice of Removal
09/07/2016  Summons Returned Served
Executed Summons-Brown University
08/31/2016  Summons
08/31/2016  Complaint Filed
Complaint



STATE OF RHODE ISLAND
AND PROVIDENCE PLANTATIONS

CLERK'S CERTIFICATE AND TRANSMITTAL OF THE RECORD

Case Information

Case Caption: Gina Guiducci vs. Brown University & Peter Rossi
Federal Court Case No. 1:16-cv-00516 State Court Case No. PC-2016-4120

Record Information

Confidential: Yes ☐ No ☒ Description: _____
Sealed documents: Yes ☐ No ☒ Description: _____

Certification

I, Alexa Goneconte, Clerk of the Rhode Island Superior Court for the County of
Providence do certify that the attached documents are all the documents
included in the record in the above referenced case.

Date: 09/14/2016

Clerk of Court

/s/ Alexa Goneconte
By Deputy Clerk
General Operations Assistant

State of Rhode Island
Providence, SC

Superior Court

Gina M. Guiducci,
Plaintiff,

v.

C.A. No. 2016 - 4120

Brown University in Providence The
State of Rhode Island and Providence
Plantations and Peter Rossi, Alias
Defendants

Notice of Filing of Notice of Removal

Please take notice that Defendants Brown University in Providence The State of Rhode Island and Providence Plantations and Peter Rossi, pursuant to 28 U.S.C. §§ 1331, 1367, 1441, 1446.

A true and accurate copy of the Notice of Removal, as filed with the United States District Court for the District of Rhode Island, is attached as Exhibit A.

Brown University in Providence The State of
Rhode Island and Providence Plantations,
And Peter Rossi,

By their Attorney,

/s/ Thomas R. Bender

Thomas R. Bender, Esq. #2799
Associate Counsel
Office of the General Counsel
Brown University
Box 1913
110 South Main Street
Providence, RI 02912

Tel: (401) 863-9977

Fax: (401) 863-1120

thomas_bender@brown.edu

Certificate of Service

I certify that on September 14, 2016, I caused a copy of this Notice of Filing Notice of Removal to be served upon Plaintiff's counsel, V. Edward Formisano, 100 Midway Place, Suite 1, Cranston, RI 02920-5707, electronically and by regular mail.

/s/ Thomas R. Bender

Thomas R. Bender

Exhibit A

To

Notice of Notice of Removal

United States District Court
For the District of Rhode Island

Gina M. Guiducci,
Plaintiff,

v.

C.A. No. 2016 -

Brown University in Providence The
State of Rhode Island and Providence
Plantations and Peter Rossi, Alias
Defendants

Notice of Removal

Pursuant to 28 U.S.C. §§ 1331, 1367, 1441 and 1446, Defendants Brown University in Providence The State of Rhode Island and Providence Plantations (hereinafter "Brown University") and Peter Rossi, by and through their undersigned attorney, submit this Notice of Removal and state as follows:

1. On August 31, 2016, Plaintiff filed a complaint in the Superior Court of Rhode Island, Providence County, captioned "Gina Guiducci v. Brown University in Providence The State of Rhode Island and Providence Plantations and Peter Rossi, Alias, C.A. No. PC 2016-4120."
2. On September 6, 2016, Plaintiff served a Summons and Complaint on David T. Riedel, agent for service of process for defendant Brown University. On September 8, 2016, Plaintiff served a Summons and Complaint on defendant Peter Rossi at his residence in Rehoboth, MA.
3. Copies of the Summonses and Complaint that were filed in the Superior Court are attached as Exhibit A, and they constitute all process, pleadings and orders in the action to date.

4. Plaintiff's Complaint pleads claims under the federal Family and Medical Leave Act, 28 U.S.C. § 2601, et seq., over which this Court has original federal question jurisdiction pursuant to 28 U.S.C. § 1331.

5. The remaining state law claims in Plaintiff's Complaint are derived from the same common nucleus of operative fact under which the federal Family and Medical Leave Act claim arises, and the federal claim and state claims form part of the same case or controversy under Article II of the United States Constitution such that they are within the Court's supplemental jurisdiction pursuant to 28 U.S.C. § 1367(a).

6. This Notice of Removal is filed within thirty (30) days of service on each Defendant.

7. Written notice of the filing of this "Notice of Removal" will be given to Plaintiff, and a copy will be filed in the Superior Court as required by 28 U.S.C. § 1446(d).

Wherefore, Defendants submit that this Notice of Removal complies with the applicable statutory requirements, and they request that this action proceed in this Court.

Brown University and
Peter Rossi,

By their Attorney,

/s/ Thomas R. Bender

Thomas R. Bender, Esq. #2799
Associate Counsel
Office of the General Counsel
Brown University
Box 1913
110 South Main Street
Providence, RI 02912
Tel: (401) 863-9977
Fax: (401) 863-1120
thomas_bender@brown.edu

Certificate of Service

I certify that on September 14, 2016, I caused a copy of this Notice of Removal to be served upon Plaintiff's counsel, V. Edward Formisano, 100 Midway Place, Suite 1, Cranston, RI 02920-5707, electronically and by regular mail.

/s/ Thomas R. Bender

Thomas R. Bender

Exhibit A

To

Notice of Removal

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

SUPERIOR COURT

SUMMONS

	Civil Action File Number PC-2016-4120
Plaintiff Gina M. Guiducci v. Defendant Brown University	Attorney for the Plaintiff or the Plaintiff V. Edward Formisano Address of the Plaintiff's Attorney or the Plaintiff FORMISANO, COMPANY PC 100 MIDWAY PLACE SUITE 1 CRANSTON RI 02920
Licht Judicial Complex Providence/Bristol County 250 Benefit Street Providence RI 02903 (401) 222-3250	Address of the Defendant 1 Propsect Street Providence RI 02912

TO THE DEFENDANT, Brown University: c/o: Agent for Service: David T. Riedel, Esq
Adler Pollock & Sheehan, PC

The above-named Plaintiff has brought an action against you in said Superior Court in the county indicated above. You are hereby summoned and required to serve upon the Plaintiff's attorney, whose address is listed above, an answer to the complaint which is herewith served upon you within twenty (20) days after service of this Summons upon you, exclusive of the day of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Your answer must also be filed with the court.

As provided in Rule 13(a) of the Superior Court Rules of Civil Procedure, unless the relief demanded in the complaint is for damage arising out of your ownership, maintenance, operation, or control of a motor vehicle, or unless otherwise provided in Rule 13(a), your answer must state as a counterclaim any related claim which you may have against the Plaintiff, or you will thereafter be barred from making such claim in any other action.

This Summons was generated on 8/31/2016.	/s/ Henry Kinch Clerk
--	--------------------------

Witness the seal/watermark of the Superior Court

SC-CMS-1 (revised July 2014)

DATE 9/6/16
 A TRUE COPY ATTEST
 VINCENT P CATAMERO
 R.I. CONSTABLE #8023

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

SUPERIOR COURT

Plaintiff

Gina M. Guiducci

v.

Defendant

Brown University

Civil Action File Number

PC-2016-4120

PROOF OF SERVICE

I hereby certify that on the date below I served a copy of this Summons, complaint, Language Assistance Notice, and all other required documents received herewith upon the Defendant, Brown University, by delivering or leaving said papers in the following manner:

☐ With the Defendant personally.

☐ At the Defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person of suitable age and discretion _____

Address of dwelling house or usual place of abode _____

Age _____

Relationship to the Defendant _____

☐ With an agent authorized by appointment or by law to receive service of process.

Name of authorized agent _____

If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

☐ With a guardian or conservator of the Defendant.

Name of person and designation _____

☐ By delivering said papers to the attorney general or an assistant attorney general if serving the state.

☐ Upon a public corporation, body, or authority by delivering said papers to any officer, director, or manager.

Name of person and designation _____

Page 1 of 2

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

SUPERIOR COURT

Upon a private corporation, domestic or foreign:

- ☐ By delivering said papers to an officer or a managing or general agent.

Name of person and designation _____

- ☐ By leaving said papers at the office of the corporation with a person employed therein.

Name of person and designation _____

- ☐ By delivering said papers to an agent authorized by appointment or by law to receive service of process.

Name of authorized agent _____

If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

- ☐ I was unable to make service after the following reasonable attempts. _____

SERVICE DATE: _____

Month Day Year

SERVICE FEE \$ _____

Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE _____

SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE NOTARIZED.

Signature _____

State of _____

County of _____

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____ ☐ personally known to the notary or ☐ proved to the notary through satisfactory evidence of identification, which was _____, to be the person who signed above in my presence, and who swore or affirmed to the notary that the contents of the document are truthful to the best of his or her knowledge.

Notary Public: _____

My commission expires: _____

Notary identification number: _____

Page 2 of 2

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

SUPERIOR COURT

SUMMONS

Plaintiff Gina M. Guiducci v. Defendant Brown University	Civil Action File Number PC-2016-4120 Attorney for the Plaintiff or the Plaintiff V. Edward Formisano Address of the Plaintiff's Attorney or the Plaintiff FORMISANO COMPANY PC 100 MIDWAY PLACE SUITE 1 CRANSTON RI 02920
Licht Judicial Complex Providence/Bristol County 250 Benefit Street Providence RI 02903 (401) 222-3250	Address of the Defendant No Known Address

TO THE DEFENDANT, Peter Rossi: 67 Mikayla Ann Drive
 Rehoboth, MA 02769

The above-named Plaintiff has brought an action against you in said Superior Court in the county indicated above. You are hereby summoned and required to serve upon the Plaintiff's attorney, whose address is listed above, an answer to the complaint which is herewith served upon you within twenty (20) days after service of this Summons upon you, exclusive of the day of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Your answer must also be filed with the court.

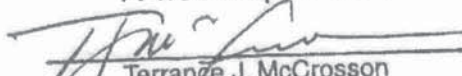
As provided in Rule 13(a) of the Superior Court Rules of Civil Procedure, unless the relief demanded in the complaint is for damage arising out of your ownership, maintenance, operation, or control of a motor vehicle, or unless otherwise provided in Rule 13(a), your answer must state as a counterclaim any related claim which you may have against the Plaintiff, or you will thereafter be barred from making such claim in any other action.

This Summons was generated on 8/31/2016.

/s/ Henry Kinch
 Clerk

Witness the seal/watermark of the Superior Court

"A True Copy Attest"


 Terrance J. McCrosson
 Constable & Disinterested Person

SC-CMS-1 (revised July 2014)

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

SUPERIOR COURT

Plaintiff

Gina M. Guiducci

v.

Defendant

Brown University

Civil Action File Number

PC-2016-4120

PROOF OF SERVICE

I hereby certify that on the date below I served a copy of this Summons, complaint, Language Assistance Notice, and all other required documents received herewith upon the Defendant, Peter Rossi, by delivering or leaving said papers in the following manner:

☐ With the Defendant personally.

☐ At the Defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person of suitable age and discretion _____

Address of dwelling house or usual place of abode: _____

Age _____

Relationship to the Defendant _____

☐ With an agent authorized by appointment or by law to receive service of process.

Name of authorized agent _____

If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

☐ With a guardian or conservator of the Defendant.

Name of person and designation _____

☐ By delivering said papers to the attorney general or an assistant attorney general if serving the state.

☐ Upon a public corporation, body, or authority by delivering said papers to any officer, director, or manager.

Name of person and designation _____

Page 1 of 2

SC-CMS-1 (revised July 2014)

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

SUPERIOR COURT

Upon a private corporation, domestic or foreign: <input type="checkbox"/> By delivering said papers to an officer or a managing or general agent. Name of person and designation _____ <input type="checkbox"/> By leaving said papers at the office of the corporation with a person employed therein. Name of person and designation _____ <input type="checkbox"/> By delivering said papers to an agent authorized by appointment or by law to receive service of process. Name of authorized agent _____ If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below. _____ _____	
<input type="checkbox"/> I was unable to make service after the following reasonable attempts: _____ _____	
SERVICE DATE: _____ <div style="text-align: center; font-size: small;"> Month Day Year </div>	SERVICE FEE \$ _____
Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE _____ _____	
SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE NOTARIZED.	
Signature _____ State of _____ County of _____	
On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____ or <input type="checkbox"/> proved to the notary through satisfactory evidence of identification, which was _____, to be the person who signed above in my presence, and who swore or affirmed to the notary that the contents of the document are truthful to the best of his or her knowledge.	
Notary Public: _____ My commission expires: _____ Notary identification number: _____	

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 Filed in Providence/Bristol County Superior Court
 Submitted: 8/31/2016 2:03:29 PM
 Envelope: 738893
 Reviewer: Carol Graziano

**STATE OF RHODE ISLAND
 PROVIDENCE, SC.**

SUPERIOR COURT

GINA M. GUIDUCCI,
Plaintiff

v.

C.A. No. 2016-4120

**BROWN UNIVERSITY IN PROVIDENCE
 THE STATE OF RHODE ISLAND AND
 PROVIDENCE PLANTATIONS and
 PETER ROSSI, Alias,
 Defendants**

COMPLAINT

I. Introductory Statement

This action is brought by the Plaintiff seeking declaratory and injunctive relief, attorney's fees and litigation expenses and other equitable relief, including back pay, as well as compensatory punitive, liquidated damages to remedy unlawful discrimination in employment the Plaintiff suffered in violation of the Fair Employment Practices Act ("FEPA"), R.I.G.L. §28-5-1, *et seq.*, the Rhode Island Civil Rights of People with Disabilities Act ("CRPD"), R.I.G.L. §42-87-1, *et seq.*, the Rhode Island Civil Rights Act ("RICRA"), R.I.G.L. §42-112-1, *et seq.*, the Family and Medical Leave Act, 29 U.S.C. §2601, *et seq.* ("FMLA"), and the Rhode Island Parental and Family Medial Leave Act, R.I.G.L. §28-48-1, *et seq.* ("RIPFMLA").

II. Parties

1. The Plaintiff is a resident of the City of Providence, County of Providence, State of Rhode Island.

2. Defendant Brown University in Providence in the State of Rhode Island and Providence Plantations ("Brown") is a Rhode Island non-profit corporation, and, on information and

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Submitted: 8/31/2016 2:03:29 PM

Envelope: 738893

Reviewer: Carol Graziano

belief, maintains a principal place of business located in Providence, Rhode Island. Defendant Brown operates a student university located in Providence, Rhode Island.

3. Defendant Peter Rossi, Alias ("Rossi"), was, at all relevant times herein, employed by Defendant Brown as Associate Director of Defendant Brown's Dining Services Department and was Plaintiff's supervisor.

III. Jurisdiction

4. This Court has jurisdiction over the Plaintiff's claims under the FEPA pursuant to R.I.G.L. §28-5-24.1, jurisdiction over the Plaintiff's claims under the RICRA pursuant to R.I.G.L. §42-112-2, jurisdiction over the Plaintiff's claims under the CRPD pursuant to R.I.G.L. §42-87-4, jurisdiction over the Plaintiff's claims under the RIPFMLA pursuant to R.I.G.L. §28-48-6, and concurrent jurisdiction over the Plaintiff's claims under the FMLA pursuant to 29 U.S.C. §2617.

IV. Venue

5. Venue is proper in this Court in accordance with R.I.G.L. §9-4-3 insofar as the Plaintiff resides in the County of Providence, State of Rhode Island.

V. Exhaustion of Administrative Remedies

6. On or about August 31, 2015, the Plaintiff timely filed a charge of disability discrimination with the Rhode Island Commission for Human Rights ("RICHR"), RICHR No. 16 EMD 043-06/06.

7. In May, 2016, more than one hundred twenty (120) days, but less than two (2) years after the charge was filed, the Plaintiff requested that the RICHR issue a right to sue letter.

8. On or about June 20, 2016, the Plaintiff was issued a notice of right to sue by the RICHR and has timely instituted suit thereon.

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Reviewer: Carol Graziano

9. The RICHR failed to act upon the Plaintiff's charge of discrimination within sixty (60) days of the filing of the charge and thus the Plaintiff's CRPD claim is properly before this Court pursuant to R.I.G.L. §42-87-4(b).

10. There is no requirement under the RICRA, the FMLA, or the RIPFMLA relative to the exhaustion of administrative remedies.

VI. Material Facts

11. In June, 2008, the Plaintiff was hired by Defendant Brown as an Administrative Dietician in its Dining Services Department.

12. During all relevant time periods, the Plaintiff's work performance was satisfactory.

13. On May 30, 2014, the Plaintiff was involved in a cycling accident and sustained a head injury.

14. As a result of the accident, the Plaintiff suffered from a concussion and associated symptoms.

15. The Plaintiff was thereafter diagnosed with post-concussion syndrome, dizziness and vestibular dysfunction, as well as depression and anxiety.

16. That during all relevant time periods, the Defendants knew that the Plaintiff suffered from a disability or regarded the Plaintiff as being disabled.

17. That despite her disability, the Plaintiff was still qualified to perform her job with or without reasonable accommodation.

18. As a result of her medical condition, the Plaintiff missed time from work from June 2, 2014 until June 6, 2014.

19. On June 9, 2014, based on the recommendation of her physician, the Plaintiff began working a modified schedule on account of her medical condition.

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Submitted: 8/31/2016 2:03:29 PM

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Reviewer: Carol Graziano

20. On June 17, 2014, based on the recommendation of her physician, the Plaintiff commenced a medical leave of absence due to her disability or perceived disability pursuant to the FMLA and/or RIFFMLA.

21. That at all relevant times, the Plaintiff was eligible for and entitled to an FMLA and/or RIFFMLA medical leave.

22. That the Plaintiff's FMLA/RIFFMLA was approved by Defendant Brown and extended through September 9, 2014.

23. On July 21, 2014, the Plaintiff returned to work from her medical leave with a modified work schedule.

24. On August 18, 2014, based on the recommendation of her physician, the Plaintiff commenced another medical leave due to her medical condition.

25. On September 8, 2014, while on medical leave, the Plaintiff requested that she be able to return to work with a reasonable workplace accommodation in the form of a modified work schedule, *to wit*, part-time work hours.

26. At that time, the Plaintiff's physician provided Defendants with a written modified management plan outlining her workplace accommodations.

27. Notwithstanding the Plaintiff's medical needs and the explicit recommendations from her physician, Defendants informed the Plaintiff that their "expectation" was that she would return to a full-time schedule on September 23, 2014.

28. On September 22, 2014, through her treating physician, the Plaintiff provided a new management plan to Defendants, which included modified work hours as a workplace accommodation.

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Reviewer: Carol Graziano

29. On September 30, 2014, Defendants informed the Plaintiff that they would provide her a workplace accommodation; however, Defendants further stated that the Plaintiff could not continue a modified schedule after October 10, 2014, regardless of any future medical recommendations from her physician.

30. As a result of Defendants' failure to provide a reasonable accommodation for her disability, the Plaintiff was forced to apply for short-term disability leave and, thereafter, compelled to resign from her position on October 13, 2014.

31. Defendants knew that the Plaintiff suffered from a disability or regarded her as being disabled and relied on this fact in making an incorrect and unsubstantiated determination that the Plaintiff's major life activity of working was affected to the degree that she was no longer qualified for her job.

32. As stated above, the Plaintiff requested a reasonable accommodation in the form of modified work schedule.

33. However, rather than provide the accommodation reasonably required by the Plaintiff under the circumstances, specifically a modified a work schedule, Defendants subjected the Plaintiff to workplace discrimination on account of her disability or perceived disability, including, but not limited to, terminating her position at Defendant Brown.

34. On information and belief, Defendants' rationale for terminating the Plaintiff's position was pretext for employment discrimination.

35. That the facts of this matter clearly establish that Defendants discriminated against the Plaintiff on account of her disability or perceived disability in violation of the FEPA, the RICRA and the CRPD.

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Reviewer: Carol Graziano

36. That the Defendants subjected the Plaintiff to workplace discrimination, including terminating her employment, on account that she exercised her statutory right to a medical leave of absence pursuant to the FMLA and the RIFFMLA.

37. As a proximate result of Defendants' unlawful and/or discriminatory employment practices, including, but not limited to, those described herein, the Plaintiff suffered and will continue to suffer loss of income, including past and future salary, pension benefits, damage to her business and personal reputation, mental and physical anguish, pain and suffering, and other harm.

VII. Claims for Relief

38. The Plaintiff incorporates in the counts below the allegations contained in paragraphs 1-37 above.

Count One **Unlawful Discrimination—R.I.G.L. §42-87-1, et seq.**

39. Defendants, by their individual and/or concerted acts and/or omissions, including, but not limited to, those described herein, constitute unlawful discrimination against the Plaintiff in employment on account of her disability or perceived disability in violation of the CRPD, causing the Plaintiff to suffer damages as aforesaid and thereby deprived the Plaintiff of rights secured under the CRPD.

Count Two **Unlawful Discrimination—R.I.G.L. §28-5-1, et seq.**

40. Defendants, by their individual and/or concerted acts and/or omissions, including, but not limited to, those described herein, constitute unlawful discrimination against the Plaintiff in employment on account of her disability or perceived disability in violation of the FEPA, causing the Plaintiff to suffer damages as aforesaid and thereby deprived the Plaintiff of rights secured under the FEPA.

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Filed in Providence/Bristol County Superior Court

Submitted: 8/31/2016 2:03:28 PM

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Reviewer: Carol Graziano

Count ThreeUnlawful Discrimination—R.I.G.L. §42-112-1, et seq.

41. Defendants, by their individual and/or concerted acts or omissions, including, but not limited to, those described herein, constitute unlawful discrimination against the Plaintiff in employment on account of her disability or perceived disability in violation of the RICRA, causing the Plaintiff to suffer damages as aforesaid, and thereby deprived the Plaintiff of rights secured under the RICRA.

Count FourViolation of FMLA—29 U.S.C. §2601, et seq.

42. Defendants, by their individual and/or concerted acts or omissions, including, but not limited to, those described herein, discriminated against the Plaintiff and violated the Plaintiff's statutory rights in violation of the FMLA, causing the Plaintiff to suffer damages as aforesaid, and thereby deprived the Plaintiff of rights secured under the FMLA.

Count FiveViolation of RIPFMLA—R.I.G.L. §28-48-1, et seq.

43. Defendants, by their individual and/or concerted acts or omissions, including, but not limited to, those described herein, discriminated against the Plaintiff and violated the Plaintiff's statutory rights in violation of the RIPFMLA, causing the Plaintiff to suffer damages as aforesaid, and thereby deprived the Plaintiff of rights secured under the RIPFMLA.

VIII. Prayers for Relief

WHEREFORE, the Plaintiff respectfully prays that this Court grant the following relief:

1. a declaratory judgment that the Defendants, in the manner described herein, unlawfully discriminated against the Plaintiff in violation of the FEPA, the RICRA, the CRPD, the FMLA and/or the RIPFMLA;

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2. enjoining and permanently restraining the Defendants from violating the FEPA, the RICRA, the CRPD, the FMLA, and/or RPFMLA;
3. award the Plaintiff back pay, including incremental increases, pension rights and other benefits, plus prejudgment interest thereon;
4. award the Plaintiff compensatory damages for future pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other non-pecuniary losses, plus prejudgment interest thereon;
5. award the Plaintiff punitive damages for Defendants' intentional, malicious, reckless and/or willful violation of the FEPA, the RICRA and/or the CRPD;
6. award the Plaintiff liquidated damages pursuant to the FMLA and the RPFMLA;
7. award Plaintiff reasonable attorney's fees and costs of litigation pursuant to the FEPA, the RICRA, the CRPD, the FMLA and/or RPFMLA; and,
8. such other and further relief as the Court deems just and proper.

IX. Demand for Jury Trial

The Plaintiff hereby demands a trial by jury on all counts so triable.

X. Designation of Trial Counsel

The Plaintiff hereby designates V. Edward Formisano, Esquire and Michael D. Pushee, Esquire, as trial counsel.

Case Number: PC-2016-4120
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PLAINTIFF,
By her attorneys,
FORMISANO & COMPANY, P.C.

/s/ V. Edward Formisano
V. Edward Formisano (#5512)
Michael D. Pushee (#6948)
100 Midway Place, Suite 1
Cranston, RI 02920-5707
(401) 944-9691
(401) 944-9695 (facsimile)

CERTIFICATION

I hereby certify that the within document has been electronically filed with the Court on this 31st day of August, 2016 and is available for viewing and downloading from the ECF system.

/s/ V. Edward Formisano

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

SUPERIOR COURT

SUMMONS

Plaintiff Gina M. Guiducci v. Defendant Brown University	Civil Action File Number PC-2016-4120 Attorney for the Plaintiff or the Plaintiff V. Edward Formisano Address of the Plaintiff's Attorney or the Plaintiff FORMISANO COMPANY PC 100 MIDWAY PLACE SUITE 1 CRANSTON RI 02920
Licht Judicial Complex Providence/Bristol County 250 Benefit Street Providence RI 02903 (401) 222-3250	Address of the Defendant 1 Propsect Street Providence RI 02912

TO THE DEFENDANT, Brown University: c/o: Agent for Service: David T. Riedel, Esq.
Adler Pollock & Sheehan, PC
One Citizens Plaza, 8th Fl
Providence, RI 02903

The above-named Plaintiff has brought an action against you in said Superior Court in the county indicated above. You are hereby summoned and required to serve upon the Plaintiff's attorney, whose address is listed above, an answer to the complaint which is herewith served upon you within twenty (20) days after service of this Summons upon you, exclusive of the day of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Your answer must also be filed with the court.

As provided in Rule 13(a) of the Superior Court Rules of Civil Procedure, unless the relief demanded in the complaint is for damage arising out of your ownership, maintenance, operation, or control of a motor vehicle, or unless otherwise provided in Rule 13(a), your answer must state as a counterclaim any related claim which you may have against the Plaintiff, or you will thereafter be barred from making such claim in any other action.

This Summons was generated on 8/31/2016.

/s/ Henry Kinch
Clerk

Witness the seal/watermark of the Superior Court

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

SUPERIOR COURT

Plaintiff

Gina M. Guiducci

v.

Defendant

Brown University

Civil Action File Number

PC-2016-4120

PROOF OF SERVICE

I hereby certify that on the date below I served a copy of this Summons, complaint, Language Assistance Notice, and all other required documents received herewith upon the Defendant, Brown University, by delivering or leaving said papers in the following manner:

☐ With the Defendant personally.

☐ At the Defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person of suitable age and discretion _____

Address of dwelling house or usual place of abode _____

Age _____

Relationship to the Defendant _____

☒ With an agent authorized by appointment or by law to receive service of process.

Name of authorized agent JOHN T. ROOPE, JR.

If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

☐ With a guardian or conservator of the Defendant.

Name of person and designation _____

☐ By delivering said papers to the attorney general or an assistant attorney general if serving the state.

☐ Upon a public corporation, body, or authority by delivering said papers to any officer, director, or manager.

Name of person and designation _____

Page 1 of 2

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

SUPERIOR COURT

Upon a private corporation, domestic or foreign:

☐ By delivering said papers to an officer or a managing or general agent.

Name of person and designation _____

☐ By leaving said papers at the office of the corporation with a person employed therein.

Name of person and designation _____

☒ By delivering said papers to an agent authorized by appointment or by law to receive service of process.Name of authorized agent CP DAVID T. REDELESE

If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

☐ I was unable to make service after the following reasonable attempts: _____SERVICE DATE: 9/6/16

Month Day Year

SERVICE FEE \$ 45.00

Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE

SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE NOTARIZED.

Signature _____

State of _____

County of _____

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____ ☐ personally known to the notaryor ☐ proved to the notary through satisfactory evidence of identification, which was _____, to be the person who signed above in my presence, and who swore or affirmed to the notary that the contents of the document are truthful to the best of his or her knowledge.

Notary Public: _____

My commission expires: _____

Notary identification number: _____

Page 2 of 2



STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

SUPERIOR COURT**SUMMONS**

	Civil Action File Number PC-2016-4120
Plaintiff Gina M. Guiducci v. Defendant Brown University	Attorney for the Plaintiff or the Plaintiff V. Edward Formisano Address of the Plaintiff's Attorney or the Plaintiff FORMISANO COMPANY PC 100 MIDWAY PLACE SUITE 1 CRANSTON RI 02920
Licht Judicial Complex Providence/Bristol County 250 Benefit Street Providence RI 02903 (401) 222-3250	Address of the Defendant No Known Address

TO THE DEFENDANT, Peter Rossi:

The above-named Plaintiff has brought an action against you in said Superior Court in the county indicated above. You are hereby summoned and required to serve upon the Plaintiff's attorney, whose address is listed above, an answer to the complaint which is herewith served upon you within twenty (20) days after service of this Summons upon you, exclusive of the day of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Your answer must also be filed with the court.

As provided in Rule 13(a) of the Superior Court Rules of Civil Procedure, unless the relief demanded in the complaint is for damage arising out of your ownership, maintenance, operation, or control of a motor vehicle, or unless otherwise provided in Rule 13(a), your answer must state as a counterclaim any related claim which you may have against the Plaintiff, or you will thereafter be barred from making such claim in any other action.

This Summons was generated on 8/31/2016.	/s/ Henry Kinch Clerk
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Witness the seal/watermark of the Superior Court

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

SUPERIOR COURT

Plaintiff

Gina M. Guiducci

v.

Defendant

Brown University

Civil Action File Number

PC-2016-4120

PROOF OF SERVICE

I hereby certify that on the date below I served a copy of this Summons, complaint, Language Assistance Notice, and all other required documents received herewith upon the Defendant, Peter Rossi, by delivering or leaving said papers in the following manner:

☐ With the Defendant personally.

☐ At the Defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person of suitable age and discretion _____

Address of dwelling house or usual place of abode _____

Age _____

Relationship to the Defendant _____

☐ With an agent authorized by appointment or by law to receive service of process.

Name of authorized agent _____

If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

☐ With a guardian or conservator of the Defendant.

Name of person and designation _____

☐ By delivering said papers to the attorney general or an assistant attorney general if serving the state.

☐ Upon a public corporation, body, or authority by delivering said papers to any officer, director, or manager.

Name of person and designation _____

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

SUPERIOR COURT

Upon a private corporation, domestic or foreign:

- ☐ By delivering said papers to an officer or a managing or general agent.

Name of person and designation _____

- ☐ By leaving said papers at the office of the corporation with a person employed therein.

Name of person and designation _____

- ☐ By delivering said papers to an agent authorized by appointment or by law to receive service of process.

Name of authorized agent _____

If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

- ☐ I was unable to make service after the following reasonable attempts: _____

SERVICE DATE: ____ / ____ / ____
Month Day Year

SERVICE FEE \$ _____

Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE _____

SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE NOTARIZED.

Signature _____

State of _____
County of _____

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____ ☐ personally known to the notary
or ☐ proved to the notary through satisfactory evidence of identification, which was _____, to be the person who signed above in my presence,
and who swore or affirmed to the notary that the contents of the document are truthful to the best of his or her knowledge.

Notary Public: _____

My commission expires: _____

Notary identification number: _____



STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

SUPERIOR COURT**SUMMONS**

	Civil Action File Number PC-2016-4120
Plaintiff Gina M. Guiducci v. Defendant Brown University	Attorney for the Plaintiff or the Plaintiff V. Edward Formisano Address of the Plaintiff's Attorney or the Plaintiff FORMISANO COMPANY PC 100 MIDWAY PLACE SUITE 1 CRANSTON RI 02920
Licht Judicial Complex Providence/Bristol County 250 Benefit Street Providence RI 02903 (401) 222-3250	Address of the Defendant 1 Propsect Street Providence RI 02912

TO THE DEFENDANT, Brown University:

The above-named Plaintiff has brought an action against you in said Superior Court in the county indicated above. You are hereby summoned and required to serve upon the Plaintiff's attorney, whose address is listed above, an answer to the complaint which is herewith served upon you within twenty (20) days after service of this Summons upon you, exclusive of the day of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Your answer must also be filed with the court.

As provided in Rule 13(a) of the Superior Court Rules of Civil Procedure, unless the relief demanded in the complaint is for damage arising out of your ownership, maintenance, operation, or control of a motor vehicle, or unless otherwise provided in Rule 13(a), your answer must state as a counterclaim any related claim which you may have against the Plaintiff, or you will thereafter be barred from making such claim in any other action.

This Summons was generated on 8/31/2016.	/s/ Henry Kinch Clerk
--	--------------------------

Witness the seal/watermark of the Superior Court

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

SUPERIOR COURT

Plaintiff

Gina M. Guiducci

v.

Defendant

Brown University

Civil Action File Number

PC-2016-4120

PROOF OF SERVICE

I hereby certify that on the date below I served a copy of this Summons, complaint, Language Assistance Notice, and all other required documents received herewith upon the Defendant, Brown University, by delivering or leaving said papers in the following manner:

- ☐ With the Defendant personally.
- ☐ At the Defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
Name of person of suitable age and discretion _____
Address of dwelling house or usual place of abode _____
Age _____
Relationship to the Defendant _____
- ☐ With an agent authorized by appointment or by law to receive service of process.
Name of authorized agent _____
If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

- ☐ With a guardian or conservator of the Defendant.
Name of person and designation _____
- ☐ By delivering said papers to the attorney general or an assistant attorney general if serving the state.
- ☐ Upon a public corporation, body, or authority by delivering said papers to any officer, director, or manager.
Name of person and designation _____

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

SUPERIOR COURT

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- ☐ By leaving said papers at the office of the corporation with a person employed therein.

Name of person and designation _____

- ☐ By delivering said papers to an agent authorized by appointment or by law to receive service of process.

Name of authorized agent _____

If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

- ☐ I was unable to make service after the following reasonable attempts: _____

SERVICE DATE: ____ / ____ / ____
Month Day Year

SERVICE FEE \$ _____

Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE _____

SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE NOTARIZED.

Signature _____

State of _____
County of _____

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____ ☐ personally known to the notary
or ☐ proved to the notary through satisfactory evidence of identification, which was _____, to be the person who signed above in my presence,
and who swore or affirmed to the notary that the contents of the document are truthful to the best of his or her knowledge.

Notary Public: _____

My commission expires: _____

Notary identification number: _____



**STATE OF RHODE ISLAND
PROVIDENCE, SC.**

SUPERIOR COURT

GINA M. GUIDUCCI,
Plaintiff

v.

**BROWN UNIVERSITY IN PROVIDENCE
THE STATE OF RHODE ISLAND AND
PROVIDENCE PLANTATIONS and
PETER ROSSI, Alias,
Defendants**

:
:
:
:
:
:
:
:
:

C.A. No.

COMPLAINT

I. Introductory Statement

This action is brought by the Plaintiff seeking declaratory and injunctive relief, attorney's fees and litigation expenses and other equitable relief, including back pay, as well as compensatory punitive, liquidated damages to remedy unlawful discrimination in employment the Plaintiff suffered in violation of the Fair Employment Practices Act ("FEPA"), R.I.G.L. §28-5-1, *et seq.*, the Rhode Island Civil Rights of People with Disabilities Act ("CRPD"), R.I.G.L. §42-87-1, *et seq.*, the Rhode Island Civil Rights Act ("RICRA"), R.I.G.L. §42-112-1, *et seq.*, the Family and Medical Leave Act, 29 U.S.C. §2601, *et seq.* ("FMLA"), and the Rhode Island Parental and Family Medial Leave Act, R.I.G.L. §28-48-1, *et seq.* ("RIPFMLA").

II. Parties

1. The Plaintiff is a resident of the City of Providence, County of Providence, State of Rhode Island.

2. Defendant Brown University in Providence in the State of Rhode Island and Providence Plantations ("Brown") is a Rhode Island non-profit corporation, and, on information and

belief, maintains a principal place of business located in Providence, Rhode Island. Defendant Brown operates a student university located in Providence, Rhode Island.

3. Defendant Peter Rossi, Alias ("Rossi"), was, at all relevant times herein, employed by Defendant Brown as Associate Director of Defendant Brown's Dining Services Department and was Plaintiff's supervisor.

III. Jurisdiction

4. This Court has jurisdiction over the Plaintiff's claims under the FEPA pursuant to R.I.G.L. §28-5-24.1, jurisdiction over the Plaintiff's claims under the RICRA pursuant to R.I.G.L. §42-112-2, jurisdiction over the Plaintiff's claims under the CRPD pursuant to R.I.G.L. §42-87-4, jurisdiction over the Plaintiff's claims under the RIPFMLA pursuant to R.I.G.L. §28-48-6, and concurrent jurisdiction over the Plaintiff's claims under the FMLA pursuant to 29 U.S.C. §2617.

IV. Venue

5. Venue is proper in this Court in accordance with R.I.G.L. §9-4-3 insofar as the Plaintiff resides in the County of Providence, State of Rhode Island.

V. Exhaustion of Administrative Remedies

6. On or about August 31, 2015, the Plaintiff timely filed a charge of disability discrimination with the Rhode Island Commission for Human Rights ("RICHR"), RICHR No. 16 EMD 043-06/06.

7. In May, 2016, more than one hundred twenty (120) days, but less than two (2) years after the charge was filed, the Plaintiff requested that the RICHR issue a right to sue letter.

8. On or about June 20, 2016, the Plaintiff was issued a notice of right to sue by the RICHR and has timely instituted suit thereon.

9. The RICHR failed to act upon the Plaintiff's charge of discrimination within sixty (60) days of the filing of the charge and thus the Plaintiff's CRPD claim is properly before this Court pursuant to R.I.G.L. §42-87-4(b).

10. There is no requirement under the RICRA, the FMLA, or the RIPFMLA relative to the exhaustion of administrative remedies.

VI. Material Facts

11. In June, 2008, the Plaintiff was hired by Defendant Brown as an Administrative Dietician in its Dining Services Department.

12. During all relevant time periods, the Plaintiff's work performance was satisfactory.

13. On May 30, 2014, the Plaintiff was involved in a cycling accident and sustained a head injury.

14. As a result of the accident, the Plaintiff suffered from a concussion and associated symptoms.

15. The Plaintiff was thereafter diagnosed with post-concussion syndrome, dizziness and vestibular dysfunction, as well as depression and anxiety.

16. That during all relevant time periods, the Defendants knew that the Plaintiff suffered from a disability or regarded the Plaintiff as being disabled.

17. That despite her disability, the Plaintiff was still qualified to perform her job with or without reasonable accommodation.

18. As a result of her medical condition, the Plaintiff missed time from work from June 2, 2014 until June 6, 2014.

19. On June 9, 2014, based on the recommendation of her physician, the Plaintiff began working a modified schedule on account of her medical condition.

20. On June 17, 2014, based on the recommendation of her physician, the Plaintiff commenced a medical leave of absence due to her disability or perceived disability pursuant to the FMLA and/or RIPFMLA.

21. That at all relevant times, the Plaintiff was eligible for and entitled to an FMLA and/or RIPFMLA medical leave.

22. That the Plaintiff's FMLA/RIPFMLA was approved by Defendant Brown and extended through September 9, 2014.

23. On July 21, 2014, the Plaintiff returned to work from her medical leave with a modified work schedule.

24. On August 18, 2014, based on the recommendation of her physician, the Plaintiff commenced another medical leave due to her medical condition.

25. On September 8, 2014, while on medical leave, the Plaintiff requested that she be able to return to work with a reasonable workplace accommodation in the form of a modified work schedule, *to wit*, part-time work hours.

26. At that time, the Plaintiff's physician provided Defendants with a written modified management plan outlining her workplace accommodations.

27. Notwithstanding the Plaintiff's medical needs and the explicit recommendations from her physician, Defendants informed the Plaintiff that their "expectation" was that she would return to a full-time schedule on September 23, 2014.

28. On September 22, 2014, through her treating physician, the Plaintiff provided a new management plan to Defendants, which included modified work hours as a workplace accommodation.

29. On September 30, 2014, Defendants informed the Plaintiff that they would provide her a workplace accommodation; however, Defendants further stated that the Plaintiff could not continue a modified schedule after October 10, 2014, regardless of any future medical recommendations from her physician.

30. As a result of Defendants' failure to provide a reasonable accommodation for her disability, the Plaintiff was forced to apply for short-term disability leave and, thereafter, compelled to resign from her position on October 13, 2014.

31. Defendants knew that the Plaintiff suffered from a disability or regarded her as being disabled and relied on this fact in making an incorrect and unsubstantiated determination that the Plaintiff's major life activity of working was affected to the degree that she was no longer qualified for her job.

32. As stated above, the Plaintiff requested a reasonable accommodation in the form of modified work schedule.

33. However, rather than provide the accommodation reasonably required by the Plaintiff under the circumstances, specifically a modified a work schedule, Defendants subjected the Plaintiff to workplace discrimination on account of her disability or perceived disability, including, but not limited to, terminating her position at Defendant Brown.

34. On information and belief, Defendants' rationale for terminating the Plaintiff's position was pretext for employment discrimination.

35. That the facts of this matter clearly establish that Defendants discriminated against the Plaintiff on account of her disability or perceived disability in violation of the FEPA, the RICRA and the CRPD.

36. That the Defendants subjected the Plaintiff to workplace discrimination, including terminating her employment, on account that she exercised her statutory right to a medical leave of absence pursuant to the FMLA and the RIPFMLA.

37. As a proximate result of Defendants' unlawful and/or discriminatory employment practices, including, but not limited to, those described herein, the Plaintiff suffered and will continue to suffer loss of income, including past and future salary, pension benefits, damage to her business and personal reputation, mental and physical anguish, pain and suffering, and other harm.

VII. Claims for Relief

38. The Plaintiff incorporates in the counts below the allegations contained in paragraphs 1-37 above.

Count One

Unlawful Discrimination—R.I.G.L. §42-87-1, et seq.

39. Defendants, by their individual and/or concerted acts and/or omissions, including, but not limited to, those described herein, constitute unlawful discrimination against the Plaintiff in employment on account of her disability or perceived disability in violation of the CRPD, causing the Plaintiff to suffer damages as aforesaid and thereby deprived the Plaintiff of rights secured under the CRPD.

Count Two

Unlawful Discrimination—R.I.G.L. §28-5-1, et seq.

40. Defendants, by their individual and/or concerted acts and/or omissions, including, but not limited to, those described herein, constitute unlawful discrimination against the Plaintiff in employment on account of her disability or perceived disability in violation of the FEPA, causing the Plaintiff to suffer damages as aforesaid and thereby deprived the Plaintiff of rights secured under the FEPA.

Count Three**Unlawful Discrimination—R.I.G.L. §42-112-1, et seq.**

41. Defendants, by their individual and/or concerted acts or omissions, including, but not limited to, those described herein, constitute unlawful discrimination against the Plaintiff in employment on account of her disability or perceived disability in violation of the RICRA, causing the Plaintiff to suffer damages as aforesaid, and thereby deprived the Plaintiff of rights secured under the RICRA.

Count Four**Violation of FMLA—29 U.S.C. §2601, et seq.**

42. Defendants, by their individual and/or concerted acts or omissions, including, but not limited to, those described herein, discriminated against the Plaintiff and violated the Plaintiff's statutory rights in violation of the FMLA, causing the Plaintiff to suffer damages as aforesaid, and thereby deprived the Plaintiff of rights secured under the FMLA.

Count Five**Violation of RIPFMLA—R.I.G.L. §28-48-1, et seq.**

43. Defendants, by their individual and/or concerted acts or omissions, including, but not limited to, those described herein, discriminated against the Plaintiff and violated the Plaintiff's statutory rights in violation of the RIPFMLA, causing the Plaintiff to suffer damages as aforesaid, and thereby deprived the Plaintiff of rights secured under the RIPFMLA.

VIII. Prayers for Relief

WHEREFORE, the Plaintiff respectfully prays that this Court grant the following relief:

1. a declaratory judgment that the Defendants, in the manner described herein, unlawfully discriminated against the Plaintiff in violation of the FEPA, the RICRA, the CRPD, the FMLA and/or the RIPFMLA;

2. enjoining and permanently restraining the Defendants from violating the FEPA, the RICRA, the CRPD, the FMLA, and/or RIPFMLA;
3. award the Plaintiff back pay, including incremental increases, pension rights and other benefits, plus prejudgment interest thereon;
4. award the Plaintiff compensatory damages for future pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other non-pecuniary losses, plus prejudgment interest thereon;
5. award the Plaintiff punitive damages for Defendants' intentional, malicious, reckless and/or willful violation of the FEPA, the RICRA and/or the CRPD;
6. award the Plaintiff liquidated damages pursuant to the FMLA and the RIPFMLA;
7. award Plaintiff reasonable attorney's fees and costs of litigation pursuant to the FEPA, the RICRA, the CRPD, the FMLA and/or RIPFMLA; and,
8. such other and further relief as the Court deems just and proper.

IX. Demand for Jury Trial

The Plaintiff hereby demands a trial by jury on all counts so triable.

X. Designation of Trial Counsel

The Plaintiff hereby designates V. Edward Formisano, Esquire and Michael D. Pushee, Esquire, as trial counsel.

PLAINTIFF,
By her attorneys,
FORMISANO & COMPANY, P.C.

/s/ V. Edward Formisano
V. Edward Formisano (#5512)
Michael D. Pushee (#6948)
100 Midway Place, Suite 1
Cranston, RI 02920-5707
(401) 944-9691
(401) 944-9695 (facsimile)

CERTIFICATION

I hereby certify that the within document has been electronically filed with the Court on this 31st day of August, 2016 and is available for viewing and downloading from the ECF system.

/s/ V. Edward Formisano